

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/EP2004/053366

International filing date (day/month/year)
9/12/2004

Priority date (day/month/year)
3/2/2004

International Patent Classification (IPC) or both national classification and IPC
B60K31/00

Applicant
ROBERT BOSCH GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/

Authorized officer
Wagner, H

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/053366

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2004/053366

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-6	YES
	Claims	1	NO
Inventive step (IS)	Claims	2-6	YES
	Claims	1	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations:

see supplementary page

IAP11 Rec'd PCT/PTO 01 AUG 2006

WRITTEN DECISION OF THE INTERNATIONAL SEARCH AUTHORITY

(APPENDED SHEET)

International file number PCT/EP2004/053366

Concerning Point V:

1. In the present decision, reference is made to the following document:
D1: DE 102 31 687 A1 (ROBERT BOSCH GmbH), 22 January 2004 (2004-01-22)
2. INDEPENDENT CLAIM 1
 - 2.1. The present application does not meet the requirements of Article 33 (1) PCT because the subject matter of Claim 1 is not new in the sense of Article 33 (2) PCT.
Document D1 discloses:
an adaptive cruise control system for motor vehicles having a sensor system for acquiring data concerning a target object and concerning the home vehicle, an actuator system for controlling the longitudinal movement of the vehicle, a controller that engages in the actuator system within determined intervention limits (Lim1, Lim2) in order to maintain a defined, controlled target distance to the target object, and an output device for issuing a takeover request to the driver if the target distance cannot be maintained, having a prediction system for predicting a conflict situation in which the target distance cannot be maintained, and for initiating the takeover request before the conflict situation occurs.
 - 2.2. Here it is additionally noted that a prediction system for predicting a conflict situation -- by which a collision with a vehicle traveling in front is meant here -- must implicitly be contained in every ACC having a

takeover request feature. Without such a prediction, no takeover request can be initiated.

3. DEPENDENT CLAIM 2

The combination of features contained in dependent Claim 2 is not known from the presented prior art, nor is it rendered obvious thereby.

The reasons for this are as follows:

The use of models of vehicular dynamics to predict the behavior of a vehicle traveling in front is not represented in the prior art, nor is it rendered obvious therein.

4. DEPENDENT CLAIMS 3-6

Claims 3-6 are dependent on Claim 2, and therefore likewise fulfill the requirements of the PCT with respect to novelty and inventive step.